

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

DEMITRIOUS MCKNIGHT,	:	Case No. 2:23-CV-426
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Sarah D. Morrison
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
WARDEN, PICKAWAY	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

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**REPORT AND RECOMMENDATION**

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Petitioner, an inmate at the Pickaway Correctional Institution, has filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for a writ of habeas corpus. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of January 24, 2023, petitioner had \$19.72 on account to his credit, with an average monthly state pay of \$15.63. (*See* Doc. 1, PageID 6). The application thus demonstrates that petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action.

Accordingly, it is **RECOMMENDED** that petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) be **DENIED** and petitioner be ordered to pay the full filing fee of \$5.00 within **thirty (30) days**. Petitioner should be notified that his failure to pay the full filing fee within thirty days will result in the dismissal of this action.

**PROCEDURE ON OBJECTIONS**

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and

Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Response to objections must be filed within fourteen (14) days after being served with a copy.

Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to the magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . .”) (citation omitted).

**IT IS SO RECOMMENDED.**

February 2, 2023

s/Peter B. Silvain, Jr.

PETER B. SILVAIN, JR.

United States Magistrate Judge